

ORIGINAL
In the United States Court of Federal Claims

No. 16-102C
Filed March 18, 2016

FILED

JONAS GILHAM-EL,)
Plaintiff,)
v.)
THE UNITED STATES,)
Defendant.)

)

MAR 18 2016
U.S. COURT OF
FEDERAL CLAIMS

DISMISSAL ORDER

Plaintiff, *pro se*, Jonas Gilham-El, commenced this action on January 19, 2016 (docket entry 1). Plaintiff did not submit the filing fee required for bringing an action in this Court at the time that he filed the complaint in accordance with Rule 77.1(c) of the Rules of the United States Court of Federal Claims (“RCFC”). Nor did plaintiff file a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a).

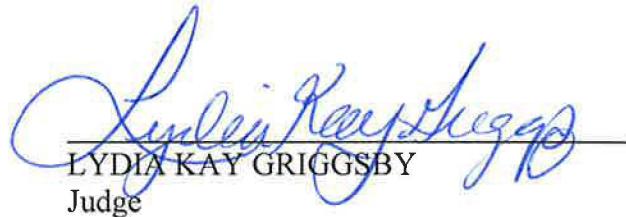
On March 2, 2016, the Court issued an Order to Show Cause directing plaintiff to either pay the outstanding filing fee, or to file an appropriate motion to proceed *in forma pauperis*, by Wednesday, March 16, 2016 (docket entry 5). The Court informed plaintiff that failure to comply with the Court’s Order would result in dismissal of the complaint without prejudice for failure to prosecute pursuant to RCFC 41(b).

On March 8, 2016, the Clerk’s Office received from plaintiff an incomplete application to proceed *in forma pauperis*, as well as a document in which plaintiff states that he is not required to submit the application. On March 9, 2016, the Court directed the Clerk’s Office to return plaintiff’s submission unfiled (docket entry 6). The Court also reiterated that per the Court’s March 2, 2016 Order, and the Court’s rules, plaintiff is required to pay the Court’s filing fee or to file a completed motion to proceed *in forma pauperis*. In addition, because plaintiff is a

prisoner, plaintiff's application must also include a certified copy of his trust fund account statement, or the institutional equivalent. 28 U.S.C. § 1915(a)(2).

Plaintiff has neither paid the Court's filing fee, nor filed a completed motion to proceed *in forma pauperis*. RCFC 41(b) provides that: "[i]f the plaintiff fails to prosecute or to comply with [the Court's] rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it." RCFC 41(b). And so, pursuant to RCFC 41(b), the Clerk's Office is directed to **ENTER** final judgment **DISMISSING** the complaint. No costs.

IT IS SO ORDERED.



LYDIA KAY GRIGGSBY
Judge